

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARCIAS. OLIVER,

Plaintiff,

07 Civ. 7196 (JGK)

- against -

ORDER

THE BANK OF NEW YORK, INC.,

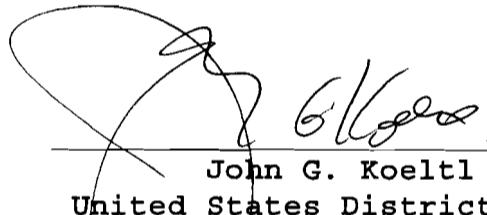
Defendants.

JOHN G. KOELTL, District Judge:

For the reasons stated on the record at the conference held on July 21 2008, the motion to dismiss is granted in part and denied in part. The plaintiff's age and gender/sex discrimination claims pursuant to the ADEA and Title VII are dismissed because they were not presented to the EEOC. The defendant's motion to dismiss is otherwise denied. The Clerk is directed to close Docket No. 33.

SO ORDERED.

Dated: New York, New York
July 21, 2008


John G. Koeltl
United States District Judge

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 7/24/2008